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18 IN THE UNITED STATES DISTRICT COURT
19 FOR THE CENTRAL DISTRICT OF CALIFORNIA

21 **MANUEL MENDOZA,**
22
23 Petitioner,
24
25 **RONALD DAVIS, Acting Warden of**
San Quentin State Prison,
26 Respondent.

v.

CAPITAL CASE

Case No. CV-03-6194 SJO

**JOINT APPLICATION FOR
ENLARGEMENT OF TIME TO
LODGE MISSING PORTIONS OF
THE RECORD; DECLARATION
OF PAUL M. ROADARMEL, JR.**

The Honorable S. James Otero
United States District Judge

1 Petitioner and Respondent jointly apply to this Court for an enlargement of
2 time, to and including October 20, 2018, in which to lodge missing portions of the
3 record, as required by this Court's order dated September 10, 2018 (Order), with
4 the present due date of September 20, 2018.

5 This Application is made for good cause, as set forth in the attached
6 declaration of Paul M. Roadarmel, Jr.

7 Dated: September 14, 2018

Respectfully submitted,

8 XAVIER BECERRA
9 Attorney General of California
10 GERALD A. ENGLER
11 Chief Assistant Attorney General
12 LANCE E. WINTERS
13 Senior Assistant Attorney General
14 JAMES WILLIAM BILDERBACK II
15 Supervising Deputy Attorney General

16 /s/ Paul M. Roadarmel, Jr.
17 PAUL M. ROADARMEL, JR.
18 Supervising Deputy Attorney General
19 *Attorneys for Respondent*

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DECLARATION OF PAUL M. ROADARMEL JR.

I, PAUL M. ROADARMEL, JR. hereby declare:

1. I am a Supervising Deputy Attorney General assigned to the case of *Manuel Mendoza v. Jeanne Woodford, Warden of California State Prison at San Quentin*, CV 03-6194 SJO, on behalf of Respondent. Neither Respondent nor Petitioner has previously sought any enlargements of time to respond to the Order.

2. The Order requires the parties to lodge with the Court copies of the following portions of the record within ten days of the date of the Order, or by September 20, 2018:

Volumes 1, 4, and 7 of the state habeas appendix, including any volumes higher than 8, if they exist;

Volume 2 of the Clerk's Transcript, including pages 468 to 655;

Volume 20 of the Reporter's Transcript, including pages 3065 to 3155; and

Volumes 21 and 22 of the Reporter's Transcript, specifically, pages 3467 to 3470 and 3472 to 3485, respectively, which concern in camera proceedings that were reported separately and filed under seal but not lodged in this case.

For the reasons set forth below, the parties will be unable to lodge the required documents by the current due date.

3. Upon receiving the Order on September 10, 2018, I immediately searched my office file and identified all documents responsive to the Order (including volume 9 of the state habeas appendix), with the exception of the in camera proceedings filed separately under seal as indicated in volumes 21 and 22 of the Reporter's Transcript. Those portions of the transcript were not provided to Respondent as part of the state appellate record; consequently, Respondent does not have them in its possession. I communicated via email with Karyn Bucur, one of Petitioner's attorneys, regarding the Order, and she informed me that she and co-counsel Tracy Dressner were in the process of determining whether they were in possession of those sealed transcripts.

1 4. Respondent is in possession of all other documents identified in the
2 Order. The documents are voluminous, particularly the appendices, and will
3 require a substantial amount of time to scan and lodge with the Court. In addition, I
4 am informed that counsel for Petitioner will need time to locate any sealed
5 transcripts in their possession, and prepare them for lodging. As a result, the parties
6 need more time to comply with the Order.

7 5. For the foregoing reasons, the parties request a 30-day enlargement of
8 time, to and including October 20, 2018, in which to lodge the missing portions of
9 the record in their possession.

10 I declare under penalty of perjury and the laws of the United States of America
11 and the State of California that the foregoing is true and correct.

12 Executed this 14th day of September, 2018, at Los Angeles, California.

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16 /s/ Paul M. Roadarmel, Jr.
17 PAUL M. ROADARMEL., JR.
18 Supervising Deputy Attorney General
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